

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

| | | |
|-----------------------------------|---|---------------------------------|
| Harold Creed, Jr. |) | |
| |) | |
| Plaintiff, |) | STIPULATION OF DISMISSAL |
| |) | WITH PREJUDICE |
| v. |) | |
| |) | |
| Norfolk Southern Corporation and |) | C.A. No.:3:08-CV-363 |
| Norfolk Southern Railway Company, |) | |
| |) | |
| Defendants. |) | |

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, Harold Creed, Jr., by and through his undersigned attorneys, and Defendants, Norfolk Southern Corporation and Norfolk Southern Railway Company, by and through its undersigned attorneys, hereby stipulate and agree to dismiss the above-captioned action and all related counterclaims, cross-claims and/or any other claims with prejudice, and the complaint and all counterclaims, cross-claims and/or any other claims herein are hereby dismissed with prejudice and any and all such claims are hereby res judicata.

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